

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION

IN RE:	*	CASE NO. 15-60032
	*	
TYUS DEVELOPMENT L.P.	*	CHAPTER 11
	*	
DEBTOR	*	

**DEBTOR'S APPLICATION TO EMPLOY THE LAW FIRM OF  
MONTEZ & WILLIAMS, PC AS COUNSEL**

**THIS PLEADING REQUESTS RELIEF THAT MAY BE  
ADVERSE TO YOUR INTERESTS.**

**IF NO TIMELY RESPONSE IS FILED WITHIN TWENTY ONE  
(21) DAYS FROM THE DATE OF SERVICE, THE RELIEF  
REQUESTED HEREIN MAY BE GRANTED WITHOUT A  
HEARING BEING HELD.**

**TO THE HONORABLE JUDGE OF SAID COURT:**

NOW COMES TYUS DEVELOPMENT, L.P., Debtor in Possession in the above numbered and entitled cause and files this Application to Employ Counsel and as grounds therefore, respectfully shows the Court as follows:

1. This case was filed on or about January 14, 2015.
2. The Initial Debtor Conference has been scheduled for January 28, 2015.
3. The first meeting of creditors is scheduled for February 10, 2015.
4. Confirmation of the Debtor's Plan is pending.
5. The Debtor wishes to employ the law firm of MONTEZ & WILLIAMS, and John A. Montez, attorney therein, to continue their representation in this state court matter. The law firm's address is 3809 W. Waco Drive, Waco TX telephone number 254-759-8600; telecopier number is 254-759-8700; The law firm is qualified to represent the Debtor in this matter.
6. The law firm and attorney therein represent no creditors in this case. According to 11 USC §327(c):

In a case under chapter 7, 11, or 12 of this title, a person is not disqualified from employment solely because of such person's employment by or representation of a creditor, unless there is an objection by another creditor of the U.S. States Trustee, in which case the court shall disapprove such employment if there is an actual conflict of interest.

7. It is the Debtor's position that this law firm and attorney therein are not disqualified from employment.
8. The hourly fees to be paid to the attorney are \$325; to associates are \$225; para-professionals shall have an established hourly fee of \$150.00.
9. Debtor has further agreed to pay for legal services rendered on a monthly basis. These fees will be subject to disclosure and court approval; however pending said approval, said monies will be paid by Debtor.
10. Debtor has agreed to pay for such services, said payment to be subject to Court approval upon proper Application for payment.

Wherefore, Debtor respectfully requests that the Court grant this Application to Employ Counsel and for any other relief to which he may be justly entitled.

Respectfully Submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
TYUS DEVELOPMENT, L.P.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above was sent to the following parties by First Class U.S. Mail, fax or email on this the 21<sup>ST</sup> day of January 2015:

U.S. Trustee  
ATTN: Valerie Wenger  
903 San Jacinto, Ste 230  
Austin, TX 78701

Tyus Development L.P.  
P.O. Box 711  
Fairfield TX 75840  
(Debtor)

Twenty largest Creditors as per  
Attached Matrix.

                    /s/                      
JOHN A. MONTEZ

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION

IN RE: \* CASE NO. 15-60032  
\*  
TYUS DEVELOPMENT L.P. \* CHAPTER 11  
\*  
DEBTOR \*

**AFFIDAVIT OF PROPOSED ATTORNEY**

STATE OF TEXAS

MCLENNAN COUNTY

I, JOHN A. MONTEZ, hereby make this solemn oath:

"I am an attorney duly admitted to practice law in the State of Texas and before the United States District Court for the Western District of Texas.

"I am a member of the law firm of MONTEZ & WILLIAMS, P.C, which maintains its offices for the purpose of practicing law at 3809 W. Waco Drive, Waco, TX 76710, and which has a telephone number of (254) 759-8600 and a fax number of (254) 759-8700.

"Neither I nor the law firm of MONTEZ & WILLIAMS, P.C, including any partner or associate therein, is a creditor or stockholder of the above-named Debtor or any of its property.

"The hourly rate for attorneys during this Chapter 11 proceeding is \$325.00 and associates are \$225.00

"Para-professionals of this law firm have an established rate of \$150.00 per hour.

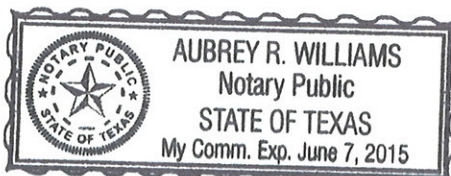
"Prior to this case being filed, the Debtor paid a retainer of Seven Thousand Dollars, which included the filing fee of \$1,771.00. Further, Debtor agreed to pay all Future fees, which fees will be subject to court approval.

"Neither the law firm nor any of its members has any connection with the Debtor herein. The law firm does not represent any creditors in this bankruptcy proceeding."

Further, Affiant saith not.

.....  
JOHN A. MONTEZ, Attorney

SUBSCRIBED AND SWORN TO before me on this 21<sup>st</sup> day of January 2015.



.....  
Notary Public in and for  
The State of Texas

**UNITED STATES BANKRUPTCY COURT  
 WESTERN DISTRICT OF TEXAS  
 WACO DIVISION**

IN RE: Tyus Development L.P

Case No.

Chapter 11

**LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS**

Following is the list of the debtor's creditors holding the 20 largest unsecured claims. The list is prepared in accordance with Fed. R. Bankr. P. 1007(d) for filing in this chapter 11 [or chapter 9] case. The list does not include (1) persons who come within the definition of "insider" set forth in 11 U.S.C. § 101, or (2) secured creditors unless the value of the collateral is such that the unsecured deficiency places the creditor among the holders of the 20 largest unsecured claims. If a minor child is one of the creditors holding the 20 largest unsecured claims, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. § 112; Fed. R. Bankr. P. 1007(m).

(1)	(2)	(3)	(4)	(5)
Name of creditor and complete mailing address, including	Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar	Nature of claim (trade debt, bank loan,	Indicate if claim is contingent, unliquidated, disputed, or subject to	Amount of claim [if secured also state value of security]
James Tyus P.O. Box 926 Fairfield TX 75840		unsecured note		\$165,000.00
Charles Butler 719 S. Shoreline Blvd, Suite 303 Corpus Christi, TX 78401-3548		legal fees		\$27,265.00
Reed Jackson 110 S. Keechi St. Fairfield, TX 75840		legal fees		\$5,000.00
Scarlet Portfolio LLC 4675 MacArthur Court Suite 1500 New Port Beach, CA 92660		Additional Notice		\$0.00
Regions Bank PO Box 2224 Birmingham, AL 35246		Notice Only		\$0.00